

AMENDED IN ASSEMBLY APRIL 1, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1029**

**Introduced by Assembly Member Frusetta**

February 27, 1997

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An act to amend Section ~~400~~ 27803 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1029, as amended, Frusetta. Vehicles: motorcycles: *helmets*: exemption.

Existing law defines a motorcycle, for purposes of the Vehicle Code, as any motor vehicle having a seat or saddle for the use of the rider, designed to travel on not more than three wheels in contact with the ground, and weighing less than 1,500 pounds.

Existing law requires a driver and any passenger to wear a safety helmet that meets specified standards when riding on, among other things, a motorcycle.

This bill would exempt ~~from the definition of motorcycle specified above a person operating, or riding as a passenger in,~~ a fully enclosed 3-wheeled motor vehicle that is commonly known as a “Sparrow.” ~~The bill would thereby exempt the specified vehicle—~~“Sparrow” from the safety helmet requirement specified above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

~~SECTION 1. Section 400 of the Vehicle Code is~~

*SECTION 1. Section 27803 of the Vehicle Code is amended to read:*

27803. (a) A driver and any passenger shall wear a safety helmet meeting requirements established pursuant to Section 27802 when riding on a motorcycle, motor-driven cycle, or motorized bicycle.

(b) It is unlawful to operate a motorcycle, motor-driven cycle, or motorized bicycle if the driver or any passenger is not wearing a safety helmet as required by subdivision (a).

(c) It is unlawful to ride as a passenger on a motorcycle, motor-driven cycles, or motorized bicycle if the driver or any passenger is not wearing a safety helmet as required by subdivision (a).

(d) This section applies to persons who are riding on motorcycles, motor-driven cycles, or motorized bicycles operated on the highways.

(e) For the purposes of this section, “wear a safety helmet” or “wearing a safety helmet” means having a safety helmet meeting the requirements of Section 27802 on the person’s head that is fastened with the helmet straps and that is of a size that fits the wearing person’s head securely without excessive lateral or vertical movement.

(f) *This section does not apply to a person operating, or riding as a passenger in, a fully enclosed 3-wheeled motor vehicle that is commonly known as a “Sparrow.”*

(g) In enacting this section, it is the intent of the Legislature to ensure that all persons are provided with an additional safety benefit while operating or riding a motorcycle, motor-driven cycle, or motorized bicycle.

~~amended to read:~~

~~400. (a) A “motorecycle” is any motor vehicle having a seat or saddle for the use of the rider, designed to travel on not more than three wheels in contact with the ground, and weighing less than 1,500 pounds.~~

1 ~~(b) A motor vehicle that has four wheels in contact~~  
2 ~~with the ground, two of which are a functional part of a~~  
3 ~~sidecar, is a motoreycle if the vehicle otherwise comes~~  
4 ~~within the definition of subdivision (a).~~

5 ~~(c) A motor vehicle that is electrically powered, has a~~  
6 ~~maximum speed of 45 miles per hour, and weighs less than~~  
7 ~~2,500 pounds, is a motoreycle if the vehicle otherwise~~  
8 ~~comes within the definition of subdivision (a).~~

9 ~~(d) A farm tractor is not a motoreycle.~~

10 ~~(e) A three-wheeled motor vehicle that otherwise~~  
11 ~~meets the requirements of subdivision (a), has a partially~~  
12 ~~or completely enclosed seating area for the driver and~~  
13 ~~passenger, is used by local public agencies for the~~  
14 ~~enforcement of parking control provisions, and is~~  
15 ~~operated at slow speeds on public streets, is not a~~  
16 ~~motoreycle. However, a motor vehicle described in this~~  
17 ~~subdivision shall comply with the applicable sections of~~  
18 ~~this code imposing equipment installation requirements~~  
19 ~~on motoreycles.~~

20 ~~(f) A fully enclosed three-wheeled motor vehicle that~~  
21 ~~is commonly known as a "Sparrow" is not a motoreycle.~~  
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